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LETTER DATED 26 MAY 1992 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I wish to transmit to you herewith a letter dated 26 May 1992 from Mr. Muhammad Said al-Sahhaf, Minister of State for Foreign Affairs in the Republic of Iraq, addressed to Mr. Rolf Ekéus, Executive Chairman of the Special Commission, together with an English translation.

I should be grateful if you would have this letter and the letter from the Minister of State for Foreign Affairs in the Republic of Iraq circulated as a document of the Security Council.

(Signed) Abd al-Amir AL-ANBARI
Ambassador
Permanent Representative

Annex

I have received your letter dated 21 May 1992, in which you inform me of your intention to submit to the Security Council - in the course of the next few days - a report from the Special Commission (UNSCOM) on the state of Iraq's compliance with relevant Council resolutions in connection with the Council's sixty-day review of the provisions of paragraph 20 of resolution 687 (1991).

You state in the letter that, unless there are what you call positive developments on the initiative of Iraq in the near future, you will have no alternative but to conclude that progress has not been made on the three points which you mentioned in general terms in the letter.

I feel, therefore, that your remarks necessitate some clarification on our part, together with a reaffirmation of the actual facts and information concerning the major steps already taken in this connection and the extent of Iraq's continuous cooperation with UNSCOM and the International Atomic Energy Agency (IAEA).

A. The full and final disclosure of activities prohibited under section C of Security Council resolution 687 (1991) and related resolutions:

I should like first to refer to the letter of 24 May 1992 addressed to you by Ambassador Wisam al-Zahawi, Adviser to the Minister for Foreign Affairs. This letter makes it clear that Iraq has cooperated seriously with respect to the declaration on matters relating to chemical weapons, missiles and biological activities.

I should also like to recall that Iraq, in response to a statement by the President of the Security Council on 12 March 1992, submitted information constituting the full and final disclosure in the nuclear field directly to Mr. Hans Blix, Director-General of IAEA, during the meeting held at United Nations Headquarters in New York on 12 March 1992, which was attended on behalf of Iraq by the Chairman of the Iraqi Atomic Energy Commission and a number of his assistants. It was also agreed at that meeting that the disclosure should be seen as a draft for the purposes of discussion, with a view to its being revised and adopted in its final form in the light of comments by IAEA inspectors. The Special Commission was so informed at the time.

Extensive discussions were held during the visit of the eleventh nuclear inspection team to Baghdad between 7 and 15 April 1992, and the disclosure report was revised in the light of comments arising during those discussions.

By way of further clarification, I wish to remind you that the Iraqi technical delegation led by Lieutenant General Amer Rashid informed UNSCOM during its visit to New York in March 1992 that a draft of the full, final and complete declaration for programmes relating to missiles, chemical weapons and

biological activities had been prepared and was ready for submission in Arabic but that there were certain details which the Iraqi side preferred to complete and submit in English after the delegation's return to Baghdad, so that the full, final and complete declaration could be submitted to a technical delegation from the Special Commission which you had promised to send in early April. However, the delegation was unfortunately not sent, as you mentioned in your letter of 1 April 1992 to General Amer Rashid.

Following this brief review of the most recent steps taken by Iraq, I should like to inform you that the reports making up the full, final and complete declaration of all activities, including nuclear, chemical, biological and ballistic activities, are ready for submission. We await your views as to whether they should be transmitted by mail or through representatives dispatched by you.

B. Iraq's position on Security Council resolutions 707 (1991) and 715 (1991) and on the two plans, together with their technical annexes, adopted under resolution 715 (1991):

I clearly recall that you closely followed all the discussions at the Security Council meetings attended by the high-level Iraqi delegation under the leadership of Deputy Prime Minister Tariq Aziz. In his statement to the Council at its meeting on 11 March 1992, Mr. Aziz emphasized Iraq's readiness to reach a practical solution with regard to verification by the Security Council of Iraq's capabilities for the production of weapons prohibited under Council resolution 687 (1991). He also reaffirmed Iraq's willingness to work out practical arrangements in the context of the objective defined by the Security Council, avoiding political and intelligence goals outside that context. In addition, he mentioned the possibility of identifying a reasonable formula whereby the objective of the current plans could be achieved while at the same time preserving Iraq's legitimate rights, sovereignty and security. The Deputy Prime Minister emphasized the following:

> "The understanding by the Council of the logical and legitimate principles, bases and requests which we have presented will naturally lead to an objective, equitable and just implementation of the substantive obligations placed upon Iraq in resolutions 707 and 715 in a manner which will satisfy the Council."

C. With regard to the declarations referred to in paragraph C of your letter, the Iraqi side presented the required declarations in the nuclear field in November 1991, including the following:

1. A list of nuclear materials;

2. A list of facilities;

3. A list of machines, equipment and materials;

4. A list of irradiated isotopes for medical, agricultural and industrial purposes;

5. A list of currently permitted uses.

The lists of nuclear materials and irradiated isotopes have been updated, and there has been a subsequent exchange of views with nuclear inspection teams. It has been agreed that the remaining declarations should be completed when they are next updated as planned in July 1992.

Also in this connection, I should like to note the agreement concluded with you in New York concerning reports on chemical, biological and ballistic activities, the drafts of which were discussed in New York and received by your experts. You promised to send a technical delegation to discuss the format and arrangement of these reports, but the team has not yet arrived.

Furthermore, I should like to refer to our letter of 19 March 1992 concerning the Iraqi side's destruction of prohibited equipment and weapons in the summer of 1991. Inspection teams have verified the figures stated in that letter and noted the importance of that declaration in facilitating their tasks.

It is clear from the foregoing remarks that the reference in your letter to Iraq's failure to honour its commitments regarding paragraphs A, B and C of that letter is an inaccurate generalization completely at odds with the facts of the situation.

All that remains to be met of your demands is the following:

1. The names of companies and suppliers of materials related to these activities:

Our position on this matter, which has been clear from the outset, is based on respect for the ethics, rules and norms of international trade practice among the various parties. This was made clear by the Deputy Prime Minister during his meeting with you at the residence of the Iraqi Permanent Representative in New York.

Iraq has declined to divulge information indicating the names of foreign companies from which it has purchased some of the equipment and materials relating to its weapons programmes. It has adopted this position on moral grounds and will not abandon it. Moreover, a disclosure of this sort can no longer be of any use to you, following the revelation of all details either by companies which actually belong to the West or by other obvious means.

You are well aware that disclosure of the names of companies and individuals will expose many of them to the dangers of liquidation and revenge attacks at the hands of hostile intelligence services, and particularly Israeli intelligence, as has happened in cases such as that of Canadian scientist Gerald Bull.

2. The question of ongoing monitoring to ensure that prohibited (ballistic, chemical and nuclear) weapons are not produced in the future, i.e. addressing resolutions 707 (1991) and 715 (1991) on this issue:

As I explained in paragraph B above, and as stated by the Deputy Prime Minister before the Security Council in March 1992, Iraq demands that agreement be reached between it, UNSCOM and IAEA, under the auspices of the Security Council, on practical guarantees to ensure that the measures and methods of ongoing monitoring will not be of such a nature as to infringe upon Iraq's sovereignty, threaten its internal security, lead to interference in its internal affairs or deny it the prospects of scientific, technological and industrial progress both in civilian fields and in military fields not prohibited under resolution 687 (1991).

Iraq's basic position on all these issues is also linked to the matter of the resolutions imposing the embargo and sanctions on Iraq, which have remained unchanged by the Security Council despite all the obligations fulfilled by Iraq in accordance with the Council's resolutions.

We have not, since the Deputy Prime Minister presented Iraq's position on all the matters under consideration by the Security Council, received from the Special Commission anything which would indicate an understanding of Iraq's just demands, apart from an unofficial paper containing non-binding promises which we continue to hope you may be prepared to consider as an official approach to help both sides identify acceptable formulas and methods to implement the ongoing monitoring. Nor has the Security Council yet taken any positive step towards lifting the embargo and sanctions against Iraq.

As regards the use of Al-Rashid airfield by UNSCOM fixed-wing aircraft, let me remind you that Iraq has provided many facilities and services to the helicopters at Al-Rashid and Habbaniyah airfields. During your visit to Baghdad in November 1991, we mentioned the importance of ending the helicopters' presence in Iraq at the earliest opportunity, and you promised that this would happen within two months. More than six months later, nothing to speak of has been done in this respect, although UNSCOM has made extensive use of the helicopters to conduct surprise inspections and reconnaissance and aerial survey operations and to obtain copious information.

The use of United Nations helicopters can no longer be justified, raising as it does many questions - now that everything has been clarified - about the reasons for their use on such a scale. In order for us to give positive consideration to the question of use of Al-Rashid airfield by UNSCOM fixed-wing aircraft, we hope that the Special Commission will demonstrate a similarly positive attitude with regard to termination of the use of its helicopters, which are operating from Al-Rashid airfield, and to the

possibility of Iraq's meeting the Special Commission's requirements through the use of Iraqi helicopters when needed.

(Signed) Muhammad Said AL-SAHHAF
Minister of State for Foreign Affairs

Baghdad, 26 May 1992